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EXAMINER	
PARKER, BRANDON	
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2197	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/801,756	ANDERSON, THOMAS G.	
	Examiner	Art Unit	
	Brandon Parker	2197	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *3/16/2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) *7 and 8* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-15 are presented for examination.

Claim Objections

Claims 7 and 8 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form: "A method as in Claim 7" may be assumed to be "A method as in Claim 6" for consistency of the claim. "A method as in Claim 8" may be assumed to be "A method as in Claim 7" for consistency of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 and 2 recite "**the display**" in the 5th line of the claim. The "**display space**","**x-display**" and "**y-display**" are mentioned and it is unclear what or which "**display**" the claims are referring to. Claims 3-15 are dependent on claim 2 therefore claims 3-15 are rejected for at least the same reasons.

Claim 3 recites "**the device**" in the 3rd line of the claim. The **"input device"**, "**x-device**", "**y-device**", and "**z-device**" are mentioned and it is unclear what or which "**device**" the claim is referring to. Therefore claim 3 is rejected for being vague and indefinite. Claims 4 and 5 are dependent of claim 3 therefore claims 3 and 4 are rejected for at least the same reasons

Claims 5 and 8 recite, "z-device coordinate **such that** more **that** two-thirds of the z-device" in the 2nd line of the claims. The terms "**such that**" and "**that**" are vague and renders the claims indefinite because pronouns make the claim ambiguous as to the metes and bounds.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In *re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-15 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 5 and 1 of U.S. Patent No. 6724400. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following:

With respect to claim 1 and 2,

Claim 1 and 2 of the instant application, 10/801756 **('756 hereinafter)** recites:

"A method of providing a **human-computer interface**, using an **input device** having a **range of motions** in **three dimensions**." **'756 Claim 1A, 2A**

Claim 5 of Patent 400 recites, "A method of providing a **human-computer interface**, **(5A)** comprising providing an application domain corresponding to a multidimensional **(i.e. three dimensions)** application and **(5C)** selecting an active domain responsive to a user domain control **(i.e. range of motion) input (400 Claim 5A, 5B)**

"Establishing a correspondence between motion of the input device and motion of a cursor relative to the display space" **'756 Claim 1B**

Claim 5 of Patent 400 recites, **(5C)** "selecting an active domain responsive **(i.e. corresponding)** to a user domain control **input**, wherein selecting an active domain comprises detecting when the user causes a cursor to traverse **(i.e. motion of a cursor)** a boundary between the domains **(i.e. display space)**" **('400 Claim 5C)**

"**Providing a three-dimensional application domain**, having corresponding interface characteristics;" **'756 Claim 1C, 2B**

Claim 5 of Patent 400 recites, "A method of providing a **human-computer interface (i.e. interface characteristics)**, **(5A)** comprising **providing an application domain** corresponding to a multidimensional **(i.e. three dimensions)** application **('400 Claim 5A)**

"Providing a personal domain, having corresponding interface characteristics;" '756 Claim 1D, 2C

Claim 5 of Patent 400 recites, **(5B)** "**providing a personal domain corresponding** to a personal interaction environment **(i.e. interface characteristics); ('400 Claim 5B)**

"If the **user is interacting** according to the **application domain** characteristics, then determining if user motion of the input device **corresponds** to **cursor motion into an application-to-personal** defined range of z-display coordinates, and, if so, then

providing interaction according to the personal domain characteristics; '756 Claim 1E, 2D

Claim 5 of Patent 400 recites, **(5D)** "when the **application domain** is the active domain, providing a display and user interaction corresponding to the application; **('400 Claim 5D)** and detecting when the user causes a cursor to traverse a boundary between the domains (i.e. determining if user motion of the input device **corresponds** to **cursor motion into an application-to-personal);(5C)**

"If the **user is interacting** according to the **personal domain** characteristics, then determining if user motion of the input device **corresponds** to **cursor motion into an application-to-personal** defined range of z-display coordinates, and, if so, then **providing interaction according to the application domain characteristics; '756 Claim 1F, Claim 2E**

Claim 5 of Patent 400 recites, **(5E)** "when the **personal domain** is the active domain, providing a display and user interaction corresponding to the personal interaction environment distinct from those corresponding to the application; **('400 Claim 5E)** and detecting when the user causes a cursor to traverse a boundary between the domains (i.e. determining if user motion of the input device **corresponds** to **cursor motion into an application-to-personal);(5C)**

The difference between claims 5 of Patent '400 and the claims 1 and 2 in the present application is the aspect of providing an application domain rather than a display. It would be obvious to one skilled in the art of graphical user interface at the time of invention to improve on the application domain by substituting the application domain for a display space because as claimed is an obvious variation of an application domain.

With respect to claim 3 and 6,

"determining if the input device has moved into an **application-to-personal/personal-to-application** defined range of z-device coordinates comprises determining if the device has crossed an application-to-personal surface in x-device, y-device, and z-device space" **('756 Claim 3 and 6)**

Claim 5 of Patent 400 recites, (4c) selecting an active domain comprises detecting when the **user causes a cursor** (i.e. via input device) to **traverse** (i.e. move into) a **boundary between the domains** (i.e. application-to-personal / personal-to-application) **('400 Claim 5C)**

It would be obvious to one skilled in the art of graphical user interface at the time of invention to substitute the word "**traverse**" in the claim 400 to "**move into**"; "**user causes a cursor**" to "**input device has moved**"; and "**between the domains**" to

"**application-to-personal**" or "**personal-to-application**" in the instant application because the words are synonymous.

With respect to claim 4 and 7,

"the application-to-personal/ personal-to-application surface comprises a surface separating x-device, y-device, and z-device space into an application portion and a personal transition portion, wherein the volume of the application/personal portion is at least three times larger than the volume of the personal/application transition portion." **('756 Claim 4 and 7)**

Claim 5 of Patent 400 recites **(5C)** detecting when the user causes a cursor to traverse a boundary between (i.e. a surface separating) the domains and **(5D)** an application domain is the active domain, providing a display (i.e. displayed portion of the active application) **(5E)** and personal domain is the active domain, providing a display and user interaction

It would be obvious to one skilled in the art of graphical user interface at the time of invention to change the claim language of an personal portion to display "3 times the size" to provide more clarity to the data or image displayed in the display space; and to substitute "**a boundary between**" with "a **surface separating**". Patent '400 states when active the application/personal portion consumes a larger portion of the display

('400 Fig B, Specs Col 6 lines 55-58). The obvious variation of an active application/personal portion displayed at "of a portion 3 times the size" provides clarity to the data being viewed "a larger portion".

With respect to claim 5 and 8,

"application-to-personal/personal-to-application surface comprises a **plane** orthogonal to z-device at a z-device coordinate such that more that two-thirds of the z-device coordinate space is in the application/personal portion." **('756 Claim 5 and 8)**

Claim 5 of Patent 400 states wherein the user controls a cursor in at least first and second dimensions corresponding to a display **plane** and a third dimension (i.e. z-device at a z-device coordinate) of depth substantially **orthogonal** to the first and second dimensions, and wherein selecting an active domain comprises detecting a change in cursor depth.

It would be obvious to one skilled in the art of graphical user interface at the time of invention to make an obvious variation of "a third dimension" to "z-device at a z-device coordinate" as it applies to the patented claims for more clarity to the dimensions of the display space.

With respect to claim 9, 10, and 11

a) wherein providing for interaction according to the application domain comprises providing a display of the application domain having active application characteristics and providing a display of the personal domain having inactive personal characteristics; b) wherein providing for interaction according to the personal domain comprises providing a display of the personal domain having active personal characteristics, comprising enhanced perceptual characteristics relative to inactive personal characteristics, and providing a display of the application domain having inactive application characteristics, comprising reduced perceptual characteristics relative to active application characteristics. **('756 Claim 9)**

wherein active personal characteristics comprise objects displayed at an active size, and wherein inactive personal characteristics comprise an inactive size less than the active size. **('756 Claim 10)**

wherein active personal characteristics comprise objects displayed at an active visual intensity, and inactive personal characteristics comprise objects displayed at an inactive visual intensity less than the active visual intensity. **('756 Claim 11)**

Claim 5 of Patent 400 recites **5D)** when the application domain is the active domain, providing a display and user interaction corresponding to the application; **5E)** when the personal domain is the active domain, providing a display and user interaction

corresponding to the personal interaction environment distinct from those corresponding to the application;

It would be obvious to one skilled in the art of graphical user interface at the time of invention to improve the inactive domain (application/personal) to have reduced perceptual characteristics, less visual intensity, and less in size the alternate domain (personal/application) and provides more clarity to the inactive domain whether application or personal domain.

With respect to claim 12,

wherein inactive personal characteristics comprise objects displayed semitransparently. **(756' Claim 12)**

Claim 1 of Patent 400 recites displacing the display of the previously active (i.e. inactive) domain with the appearance to the user as though the user moved the view direction to said domain.

It would be obvious to one skilled in the art of graphical user interface at the time of invention to substitute "**displacing** previous active domain **with the appearance** to the **user as though the user moved the view direction** to said domain" to "inactive domain characteristics comprise objects **displayed semitransparently**" for more clarity

to the previous active domain/inactive domain whether it be the application domain or personal domain.

With respect to claim 13,

providing interaction according to the application domain and providing a display of the application domain using an application portion of the displayable space and providing a display of the personal domain using a personal portion of the displayable space, wherein the application portion is at least 3 times the size of the personal portion. **'756 Claim 14A**

Claim 5 of Patent 400 recites providing an application domain corresponding to a multidimensional application **('400 5A)** when the application domain is the active domain, providing a display and user interaction corresponding to the application **('400 5D)**

It would be obvious to one skilled in the art of graphical user interface at the time of invention to change the claim language of an application portion to display 3 times the size to provide more clarity to improve on the application/personal domain by substituting the application domain for a display space because a display space as claimed is an obvious variation of an application domain. Patent '400 states when active the application portion consumes a larger portion of the display ('400 Fig B,

Specs Col 6 lines 55-56). The obvious variation of an active application displayed at "of a portion 3 times the size" in the present application provides more clarity to the data being viewed than "a larger portion" in Patent '400.

With respect to claim 14,

providing interaction according to the personal domain and providing a display of the application domain using an application portion of the displayable space and providing a display of the personal domain using a personal portion of the displayable space, wherein the personal portion is at least 3 times the size of the application portion. **'756 Claim 14A**

providing a personal domain corresponding to a personal interaction environment **('400 Claim 5B)** when the personal domain is the active domain, providing a display and user interaction corresponding to the personal interaction environment **('400 Claim 5E)**

It would be obvious to one skilled in the art of graphical user interface at the time of invention to improve the personal portion to display 3 times the size to provide more clarity to improve on the application/personal domain by substituting the application domain for "a larger portion" as claimed is an obvious variation of an application domain. Patent '400 states when active the personal portion consumes a larger portion of the display (reference '400 Fig B, Specs Col 6 lines 56-58). The obvious variation of

an active application displayed at "of a portion 3 times the size" in the present application provides more clarity to the data being viewed than "a larger portion" in Patent '400.

With respect to claim 15,

a) providing interaction according to the application domain comprises providing a display of the application domain using an active application portion of the displayable space, and providing a display of the personal domain using an inactive personal portion of the displayable space,

b) providing interaction according to the personal domain comprises providing a display of the application domain using an inactive application portion of the displayable space, and providing a display of the personal domain using an active personal portion of the displayable space;

c) wherein the active personal portion is at least one third larger than the inactive personal portion.

Claim 4 of Patent 400 recites **5D)** when the application domain is the active domain, providing a display and user interaction corresponding to the application; **5E)** when the personal domain is the active domain, providing a display and user interaction corresponding to the personal interaction environment distinct from those corresponding to the application; and **5F)** wherein the user controls a cursor in at least first and second

dimensions corresponding to a display plane and a third dimension of depth substantially orthogonal to the first and second dimensions, and wherein selecting an active domain comprises detecting a change in cursor depth.

It would be obvious to one skilled in the art of graphical user interface at the time of invention to improve the application domain when an application domain is active and " one third larger" there would be a portion of space that would be inactive which would be the personal domain and vice versa. The active portion will be larger than the inactive no matter if it is "one third larger".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Robertson et al (US Patent No. 6,054,989) ('Robertson hereinafter)

With respect to claim 1 and 2,

The claims are being viewed as: an application and personal domain can be used interchangeably being that application domain characteristics can differ from other application domains just as personal characteristics differ from application domain

characteristics no matter the function since application domain characteristics can carry the same functions and characteristics as a personal domain

- A graphical user interface **(i.e. human-computer interface)** in which object thumbnails are rendered on a simulated **three-dimensional** surface which (i) exploits spatial memory and (ii) allows more objects to be rendered on a given screen **(i.e. display space).** The objects may be **moved**, continuously, on the surface with an **input device**.
- users to drag documents in the **X-Y plane**, and also push and pull documents in the Z-dimension **(i.e. z-coordinates , z-device, z-display)**. (i.e. having mutually orthogonal x-display and y-display dimensions, where x-display and y-display together define a plane orthogonal to a user direction of view into the display, and a z-display dimension orthogonal to both x-display and y-display) It is inherent that X-Y will be mutually orthogonal to Z. (Specs Col 5 lines 60-62)
- When a user activates a hyper-text link, for example by clicking a **mouse (i.e. input device)** when a displayed cursor coincides with the text **(i.e. display space) (Specs Col 2 lines 43-45)** determines a cursor location based on the accepted inputs **(Claim 10)(i.e.** Establishing a correspondence between motion of the input device and motion of a cursor relative to the display space)
- As the object (e.g. information or content) thumbnails **(i.e. personal/application domain)** are moved about the landscape, the present invention may employ perspective views (perceived image scaling with distance), partial image occlusion, shadows, and/or spatialized audio **(i.e. interface characteristics)** to

reinforce the simulated three-dimensional plane or landscape hence when an object thumbnail being "moved" **(i.e. motion of a cursor into)** is close to a pre-existing cluster of object thumbnails **(i.e. application/personal domain) (Robertson Specs Col 6 lines 56-65)**

With respect to claim 3 and 6,

- Although the **three-dimensional (i.e. x-device, y-device, z-device space)** room metaphor exploits, at least to some degree, a person's spatial memory, the person has to manipulate objects or *move to* disambiguate **(i.e. crossed an application to personal)** images and reveal hidden information. **(Robertson Specs Col 4 lines 18-22)**

With respect to claim 4 and 7,

- determines a virtual location environment of each of the objects in the three-dimensional **(i.e. x-device, y-device, z-device)** environment **(Robertson Claim 10)**
- generates an animation moving the visual representation of the associated object **(i.e. application surface/personal surface)** to a preferred viewing location **(i.e. personal surface/application surface),** which makes the object appear much closer and therefore larger **(i.e. 3 times larger) (Robertson Claim 10)**

With respect to claim 5 and 8,

- As the graphical representations of the objects **(i.e. application/personal surface)** are moved about the landscape **(i.e. to personal/application surface),** the present invention may employ perspective views (perceived image scaling

with distance), partial image occlusion, simulated shadows, and/or spatialized audio to enhance the three-dimensional effect of the plane or landscape **(i.e 2/3 or application/personal portion) (Robertson Specs Col 28 lines 12-18)**

With respect to claim 10,

- Further, a pop-up title bar 1004 **(i.e. objects displayed at an active size)** may be provided over the active object thumbnail 806'. **(Robertson Specs Col 13 lines 38-40, Drawing Fig 10A/806) It would be inherent that an inactive object will me smaller than the active (e.g. pop-up title bar) object**

With respect to claim 11,

- The present invention may employ some type of visual indication, such as a colored halo around thumbnails of related objects for example, of related **objects**. This visual indication **(i.e. visual intensity)** may be rendered continuously or, alternatively, upon an event, such as when an **object** thumbnail is made "**active**". **(Robertson Specs Col 7 lines 33-38)** It would be inherent that an inactive objects will have less or no visual effect.

With respect to claim 12,

- The present invention may use pop-up title or information bars for permitting a user to discern more about the object represented by a low resolution image **(i.e. inactive objects which are semitransparent) (Robertson Specs Col 6 lines 40-44)**

With respect to claim 13, 14, and 15

- an object thumbnail**(i.e. application/personal portion)** is "selected" **(i.e. active)/902,** an animation, taking on the order of one second, may be used to move the object thumbnail from its position to a closer location (i.e. in a display)and use the larger high resolution thumbnail (i.e. larger than the volume of the **(i.e. personal/application transition portion/804)** so that the user perceives the object as moving towards them **(Robertson Specs Col 14 lines 17-23, Drawing Fig 9/902, Fig9/804)** It is inherent that as the object **(application/personal portion)** moves closer the size will be 1/3 as large, 3 times a large, or larger)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure which relate to a determining template icons for document applications.

US Patent 6166732 disclose distributed object oriented multi-user domain with multimedia presentations

US Patent 6252595 disclose a method and apparatus for a multi-state window

US Patent 6343349 disclose a memory caching for force feedback effects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon Parker whose telephone number is 571-270-1302. The examiner can normally be reached on Monday thru Friday 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jackson can be reached on 571-270-1279. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brandon Parker
Patent Examiner
Art Unit 2197

BP
12/20/2006

FRANTZ COBY
PRIMARY EXAMINER